



DISTRICT COURT OF MARYLAND FOR Montgomery County

LOCATED AT (COURT ADDRESS)

8552 2nd Avenue
Silver Spring, MD 20910

CASE NO.

CV

PARTIES

Plaintiff

James Cooke
2103 Alice Avenue, Suite 204
Oxon Hill, MD 20745

VS.

Defendant(s):

1. Diversified Consultants, Inc
10550 Deerwood Park Blvd, Suite 309
Jacksonville, FL 32256Serve by:
☒ Certified
Mail
☐ Private
Process
☐ Constable
☐ Sheriff

2.

Serve by:
☐ Certified
Mail
☐ Private
Process
☐ Constable
☐ Sheriff

3.

Serve by:
☐ Certified
Mail
☐ Private
Process
☐ Constable
☐ SheriffServe by:
☐ Certified
Mail
☐ Private
Process
☐ Constable
☐ Sheriff

ATTORNEYS

For Plaintiff- Name, Address, Telephone Number & Code

COMPLAINT/APPLICATION AND AFFIDAVIT
IN SUPPORT OF JUDGMENT☒ \$5,000 or under ☐ over \$5,000 ☐ over \$10,000Clerk: Please docket this case in an action of ☐ contract ☒ tort
☐ replevin ☐ detinue ☐ bad faith insurance claim

The particulars of this case are:

(1) On or about January 14, 2014, Defendant Diversified Consultants sent Plaintiff copy of alleged billing statement form Sprint for \$290.35.

(2) On January 24, 2014, Plaintiff sent under Maryland's Consumer Debt Collection Act and the Fair Debt Collection Act a certified letter Demand for Validation of debt to defendant (See Plaintiff's Exhibit #1).

(3) On or about February 4, 2015, Plaintiff received defendant confirmation of certified mail delivery of Demand for Validation (See Plaintiff's Exhibit #2).

(See Continuation Sheet)

(See Continuation Sheet)

The Plaintiff claims \$4,999, plus interest of \$_____,
Interest at the ☐ legal rate ☐ contractual rate calculated at _____%,
from _____ to _____ (_____ days x \$_____ per day) and attorney's fees of \$_____ plus court costs.
☐ Return of the property and damages of \$_____ for its detention in an action of replevin.
☐ Return of the property, or its value, plus damages of \$_____ for its detention in action of detinue.
☒ Other: Removal of trampoline and demands judgment for relief.

Signature of Plaintiff/Attorney/Attorney Code

Printed Name: James Cooke

Address: 2130 Alice Avenue, Suite 204, Oxon Hill, MD 20745

Telephone Number: 240 493-6477

Fax:

E-mail: cookefinancial@gmail.com

MILITARY SERVICE AFFIDAVIT

☒ Defendant(s) Defendant is a U.S. Corporation _____ is/are in the military service.
☐ No Defendant is in the military service. The facts supporting this statement are: _____

Specific facts must be given for the Court to conclude that each Defendant who is a natural person is not in the military.

☐ I am unable to determine whether or not any Defendant is in military service.

I hereby declare or affirm under the penalties of perjury that the facts and matters set forth in the foregoing Affidavit are true and correct to the best of my knowledge, information, and belief.

Date

Signature of Affiant

APPLICATION AND AFFIDAVIT IN SUPPORT OF JUDGMENT

Attached hereto are the indicated documents which contain sufficient detail as to liability and damage to apprise the Defendant clearly of the claim against the Defendant, including the amount of any interest claimed.

☐ Properly authenticated copy of any note, security agreement upon which claim is based ☒ Itemized statement of account ☐ Interest worksheet
☐ Vouchers ☐ Check ☐ Other written document ☒ credit report, certified mail, bill statement ☐ Verified itemized repair bill or estimate

I HEREBY CERTIFY: That I am the ☒ Plaintiff ☐ _____ of the Plaintiff herein and am competent to testify to the matters stated in this complaint, which are made on my personal knowledge; that there is justly due and owing by the Defendant to the Plaintiff the sum set forth in the Complaint.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the above Complaint are true and I am competent to testify to these matters.

Date

Signature of Affiant

NOTICE TO DEFENDANT

Before Trial

If you agree that you owe the Plaintiff the amount claimed, you may contact the Plaintiff (or Plaintiff's attorney) before the trial date to arrange payment. If you wish to contest the claim, you should notify the clerk's office by filing a Notice of Intent to Defend (located at the bottom of your summons). The case will be set for trial. If you wish to have your witnesses appear at trial, you should contact the clerk's office at least two weeks before the trial date to request subpoenas, and you should bring to court on the trial date any evidence you want the Court to consider. If you do nothing, a judgment could be entered against you.

If Judgment is Entered Against You (If You Lose)

IF YOU DISAGREE WITH THE COURT'S RULING, you may:

1. **APPEAL** to the Circuit Court, by filing a Notice of Appeal in the District Court within **30 days** after the entry of judgment. You will have to pay a filing fee (see Guide to Appeal Fees, DCA-109A), unless the Court determines that you are indigent. If the amount of the claim, not counting court costs, interest, and attorney's fees, is:
 - **more than \$5,000**, you will also have to order and pay for a transcript of the District Court trial record, by contacting the District Court clerk's office (see Transcripts & Recordings Brochure, DCA-027BR).
 - **\$5,000 or less**, you will have a new trial in the Circuit Court.

On your trial date you should bring with you any evidence that you want the Court to consider.

2. File a **MOTION FOR A NEW TRIAL** within **10 days** after the entry of judgment, stating your reasons clearly. If the Court denies your Motion, you may still file an appeal; if the Court grants your Motion, you must appear in the District Court for a new trial.
3. File a **MOTION TO ALTER OR AMEND THE JUDGMENT** within **10 days** after entry of judgment.
4. File a **MOTION TO REVISE OR VACATE THE JUDGMENT** within **30 days** after entry of judgment.

IF YOU DECIDE NOT TO APPEAL AND NOT TO FILE ONE OF THE ABOVE MOTIONS, you may contact the Plaintiff or Plaintiff's attorney to arrange to pay the amount owed. If you do not pay the amount owed, the Plaintiff or Plaintiff's attorney may initiate further proceedings to enforce the judgment, including:

1. **Interrogatories:** You must answer these written questions about your income and assets in writing under penalties of perjury.
2. **Oral Examination:** You must appear in court to testify in response to questions about your assets and income.
3. **Writ of Execution:** The Court may issue a writ requiring the sale or seizure of any of your possessions except, with some exceptions, property that is exempt from execution. The exemptions are explained in detail on the reverse side of the Writ of Execution form, DC-CV-040. Further, the Court could order you to pay additional expenses such as towing, moving, storage fees, advertising costs, and auctioneer's fees incurred in executing the writ.
4. **Garnishment of Property:** The Court may issue a writ ordering a bank or other agent to hold your assets until further court proceedings.
5. **Garnishment of Wages:** The Court may issue a writ ordering your employer to withhold a portion of your wages to pay your debt. The law provides certain exemptions from garnishment.

If you have any questions, you should consult an attorney. The clerk of the Court is not permitted to give you legal advice. More information can be found in court brochures located in the clerk's office or online at: http://www.mdcourts.gov/district/public_brochures.html.

NOTICE TO PLAINTIFF

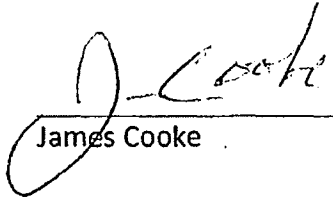
1. If the Court enters a judgment for a sum certain, you have the right to file for a lien on real property.
2. If you disagree with the outcome of the case, you have the same post-trial rights as the Defendant does: you may file an Appeal, a Motion for New Trial, a Motion to Alter or Amend the Judgment or a Motion to Revise or Vacate the Judgment. See above for further information concerning these rights.

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4. On September 25, 2015, twenty-one months after defendant received certified letter Demand for Validation of debt, defendant failed to provide information requested in demand letter, defendant simply resent copy of bill from Sprint for \$290.35.

5. Plaintiff noticed several things about the letter and bill statement. (1) The bill statement and letter dated September 25, 2015, has incorrect last name of Cook plaintiff's name is Cooke with an E. (2) The mailing address on the billing statement is a P.O. Box Number not plaintiff's physical address, (3) The bill has a current billing period of August 5, 2015 thought September 4, 2015, and a bill payment date of September 28, 2015, (4) The billing statement does not validate that the debt is plaintiffs (See Plaintiff's Exhibit #3).

6. Plaintiff demands \$4,999 for violating Federal and State Fair Credit Reporting Act, Federal and Maryland State Fair Debt Collection Practices Act, and Defamation of Character.



James Cooke